

REMARKS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 44-46, 48-51, 53-68, 70-88, 90-92, 97, and 104 have been cancelled. New claims 109-136 have been added.

35 U.S.C. § 102(e) Rejections

Claims 44-46, 48-51, 53-68, 70-88, 90-92, 97, and 104 are rejected under 35 U.S.C. § 102(e) as being anticipated by copending Application No. 09/488,130, now Patent No. 6,223,165 B1 by Lauffer (hereinafter referred to as "Lauffer"). Although claims 44-46, 48-51, 53-68, 70-88, 90-92, 97, and 104 have been cancelled, the examiner's rejection will be considered in view of new claims 109-136.

"To anticipate a claims, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) ¶ 2131.)

New independent claims 109, 119, and 128 of the present application include limitations not disclosed or taught by Lauffer. As a result, claims 109, 119, and 128 are not anticipated by Lauffer.

In particular, claims 109, 119, 128 include the limitation, or a limitation similar thereto, of a controller computer using a customer's selection of a service provider to initiate a process of establishing a telephonic connection between a service provider and a customer, *wherein the process of establishing the telephonic connection includes at least subsequently prompting the customer as to whether the customer wants to establish the telephonic connection with the service provider from the list.*

Lauffer, however, does not disclose a process of establishing a telephonic connection that includes at least subsequently prompting the customer as to whether the customer wants to establish the telephonic connection with the service provider from the list, as is claimed by applicant.

The claimed limitation of subsequently prompting the customer as to whether the customer wants to establish the telephonic connection with the service provider from the list, provides the benefit of an additional level of confirmation to assist in reducing unintended telephonic connections being established.

Therefore, as a result of applicant's independent claims 109, 119, and 128, including the limitation not disclosed in Lauffer, applicant's new independent claims are not anticipated by Lauffer.

Applicant's remaining claims depend from one of the independent claims 109, 119, and 128 and therefore include the distinguishing claim limitation discussed above. As a result, the remaining claims are also not anticipated by Lauffer, and are also patentable over Lauffer.

CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call John Ward at (408) 720-8300, x237.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Date: 09/13/2002

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